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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,796	10/22/2001	Lesley O. Bond	5750-006	5617

23547 7590 12/02/2003

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EXAMINER

STEPHENSON, DANIEL P

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/047,796

Applicant(s)

BOND, LESLEY O.

Examiner

Daniel P Stephenson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 42-47 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-55 is/are allowed.
- 6) ☒ Claim(s) 1-8, 14, 19, 22-28, 34, 39 and 56 is/are rejected.
- 7) ☒ Claim(s) 9-13, 15-18, 20, 21, 29-33, 35-38, 40, 41 and 57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-4, 6-8, 14, 19, 22-24, 26-28, 34, 39, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schellstede '111 in view of Brown and Schellstede '173. Schellstede '111 discloses an apparatus for perforating a tubular structure in which the piercing member is moved from a first position to a second piercing position through the casing, i.e. tubular structure. It is contained within a housing that has an inlet and is supported within a tubular structure. The piercing member contains a fluid flow path that is continuous with the flow path from the inlet of the housing. The first end of the housing is adapted to be connected to an elongate conduit that can move axially and rotatably within the casing to position the perforation apparatus. The perforating assembly further comprises a cylinder (40) in which the piercing member is slidably supported. The movement of the piercing member is driven by a pressurized fluid acting on a piston (35) within the cylinder. There is a setting plate (64) that is connected to a piston operated by the same fluid as the cutting member, so that it can act in the opposite direction from the piercing member. Schellstede '111 does not disclose that there is a ring shaped packer around the piercing member to be in use when the setting plate is activated through the piston controlled by a valve, wherein the piston is in fluid communication with a pressure reservoir. Nor does it disclose that there is a non-electrical control assembly for the movement of the piercing member and the setting/packer assembly. Nor does it disclose that the elongated conduit has a releasable lock assembly in which in one position it is fixed relative to

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the housing, and in a second position it is axially mobile relative to the housing. Nor does it disclose a friction assembly that is sized to frictionally engage the well as the housing is pushed through.

It is notoriously conventional in the art of wells and wellbore to use a rotating drill string for attachment of a variety of well tools, and often these drill strings are installed with a j-slot in such a manner that they can be locked relative to the casing they are being lowered into. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a j-slot locking mechanism on the apparatus of Schellstede '111.

Brown discloses a well tool that is placed against the sidewall of a casing. Opposite a piston is a ring shaped packer that insures a fluid seal around the well tool to be utilized. It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the seal mechanism of Brown to the apparatus of Schellstede '111. This would be done so that when fluid is being placed into the wellbore it has a sealed connection.

Schellstede '173 discloses a control assembly (40) for use with pressurizing a perforation apparatus downhole. It uses a variety of mechanical elements to control the flow of pressurized fluid downhole. It also discloses a friction assembly (24) which is sized to frictionally engage the well as the housing is pushed through. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the controller of Schellstede '174 with the apparatus of Schellstede '111 in view of Brown. This would be done since the specification of Schellstede '111 is silent in regards to the control of the pressurization fluid, and Schellstede '173 provides a common control mechanism used in the art. In addition, the friction assembly of

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Schellstede '173 would be used in the apparatus of Schellstede '111 in view of Brown because it would help the perforator achieve the desired position downhole.

3. Claims 5 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schellstede '111 in view of Brown and Schellstede '173 as applied to claims 1 and 22 above, and further in view of Sutliff. Schellstede '111 in view of Brown and Schellstede '173 does not show that the friction member is a bowstring centralizer. Sutliff uses a bowstring centralizer in combination with a perforating assembly to center it within the casing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the bowstring centralizer of Sutliff with the apparatus of Schellstede '111 in view of Brown and Schellstede '173. This would be done because it would decrease the mechanical parts and lower the chance of breakdown within the apparatus.

#### ***Allowable Subject Matter***

4. Claims 48-55 are allowed.

5. Claims 9-13, 15-18, 20, 21, 29-33, 35-38, 40, 41, and 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

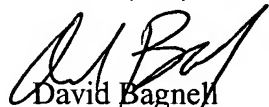
#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P Stephenson whose telephone number is (703) 605-4969. The examiner can normally be reached on 8:30 - 5:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (703) 308-2151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



David Bagnell  
Supervisory Patent Examiner  
Art Unit 3672

DPS 